REMARKS

The Examiner's Action mailed on December 1, 2004 has been received and its contents carefully considered.

In this Amendment, Applicants have amended the editorially specification and claims 1, 3, 4, 9 and 10 to correct informalities noted during a review. Claims 1 and 10 are independent claims. Claims 1-19 are now pending in the application. For at least the following reasons, it is submitted that this application is in condition for allowance.

The drawings have been objected to because in Figure 3, coordinates of point 326 should be (x_2, y_2). In response thereto, an amended replacement Figure 3 that corrects the error is submitted herein. Thus, the objection should be withdrawn.

Claims 1-19 have been rejected under 35 U.S.C. 102(e) as being anticipated by *Tsai* (U.S. Patent No. 6,229,629). Claims 1 and 10 have been amended to more clearly define the invention. The rejection of claims 1-19 respectfully is traversed.

It is well settled that a reference may anticipate a claim within the purview of 35 USC section 102 only if <u>all</u> the features and <u>all</u> the relationships recited in the claim are taught by the reference structure either by clear disclosure or under the principle of inherency.

Applicants' amended independent claim 1 recites a method for positioning a scanning starting point of an image scanning apparatus, which includes a platen having an orthogonal X-Y coordinate system and for a document to be scanned being placed thereon, and a carriage disposed in the image scanning apparatus and moving along a Y direction for **capturing an image of the document to be scanned**. The orthogonal X-Y coordinate system has an X-axis

defined by a wide margin of the platen and a Y-axis being defined by a first long margin of the platen. The method includes the following steps: (a) **choosing** one of marks inside the image scanning apparatus as **a reference point**, wherein the chosen mark is located **nearest to the image of the document to be scanned**; (b) obtaining a vector from an image starting point of the document to be scanned to the reference point; (c) moving the carriage to the reference point; and (d) moving the carriage from the reference point to the image starting point according to the vector, and proceeding to scan.

In contrast, *Tsai* discloses an image scanner that includes a photo-signal processing device 31 and a scanning platform 32. The photo-signal processing device 31 includes a CCD 311 and a driving device 312. (Col. 4, lines 3-7). The scanning platform 32 has marked thereon a document line 321, and a pattern mark 322 with a point A. The pattern mark 322 is located above the document line 321. The document 33 is properly positioned on and below the document line 321. (Col. 4, lines 16-33; and FIG. 3). The CCD 311 first moves a <u>predetermined</u> distance L0 from a home position H to a pre-scan position I overlapping with the pattern mark 322, then moves a <u>calculated</u> distance L1 to reach the point A, and further moves a <u>predetermined</u> distance L2 from the point A to reach the document line 321 to start a scanning operation <u>for the document 33</u>. (Col. 4, lines 37-55). The document line 321 is used as the scan start S and the distance L2 is set to be the distance between the fixed point A and the marked document line 321. (Col. 4, lines 58-60). The distance L1 is variable with the installation position of the photo-signal processing device 31, avoiding errors resulting from inaccuracy of various parts and/or assembling inaccuracy therein. (Col. 1, lines 35-37; and Col. 5, lines 2-3).

Applicants respectfully submit that, contrary to the Examiner's statement, *Tsai* does not disclose (or even suggest) **choosing** one of marks inside the image scanning apparatus as **a reference point**. Further, there is no disclosure (or even a suggestion) that the chosen mark is located **nearest to the image** of the document to be scanned. Specifically, the pattern mark 322 of *Tsai* is located above the document line 321 while the document 33 is positioned on and below the document line 321. Apparently, the pattern mark 322 is not near to any images of the document 33. Moreover, even if the pattern mark 322 is used as a reference point, the carriage will need to traverse the distance between the document line 321 and the image, which might be far from the document line 321. Besides, the farther is the image from the document line, the larger is the moving error that will occur. This contrasts with the present invention, which is aimed at decreasing errors due to moving error, as stated in the present specification.

Further, *Tsai* fails to disclose (or even suggest) moving the carriage from the reference point to the scanning starting point **according to the vector**, which is obtained from **an image starting point** of the document to be scanned to the reference point. In particular, *Tsai* discloses the CCD 311 moves a predetermined distance L2 from the fixed point A to the marked document line 321, which is used as the scan start S. That is, the CCD 311 reaches the fixed scan start S after moving a predetermined distance L2 instead of positioning the scanning starting point according to the vector, as recited in claim 1.

As such, the claimed invention of claim 1 is not disclosed (nor is it suggested) by *Tsai*. Therefore, amended claim 1 as well as its dependent claims 2-9 are not anticipated (or rendered obvious) by the cited reference.

Applicants' amended claim 10 recites an apparatus for positioning a scanning starting point of an image scanning apparatus, including a platen, a carriage and several marks. The platen is used for a document to be scanned being placed thereon and has an orthogonal X-Y coordinate system. The X-Y coordinate system has an X-axis defined by a wide margin of the platen and a Y-axis defined by a first long margin of the platen. The carriage is disposed in the image scanning apparatus and moves along the Y direction from a starting line for capturing **an image** of the document to be scanned. These marks are inside the image scanning apparatus for indicating different Y coordinate values. The **mark nearest to the image** of the document to be scanned is **chosen as a reference point** for moving the carriage.

Tsai fails to disclose (or even suggest) **several marks** inside the image scanning apparatus for indicating **different Y** coordinate values, as recited in claim 10. Further, *Tsai* does not disclose (or even suggest) that the **mark nearest to the image** of the document to be scanned is **chosen as a reference point** for moving the carriage. Specifically, the pattern mark 322 of *Tsai* is located above the document line 321, while the document 33 is positioned on and below the document line 321. Apparently, the pattern mark 322 is <u>not near any images of the document 33</u>. Moreover, even if the pattern mark 322 is chosen as a reference point, the carriage will need to traverse the distance between the document line 321 and the image, which might be far from the document line 321. Besides, the farther is the image from the document line, the larger the moving error that will occur. This contrasts with the present invention, which is aimed at decreasing errors due to moving error, as stated in the present specification.

As such, the claimed structure of claim 10 is not disclosed (nor is it suggested) by *Tsai*. Moreover, since claims 11-19 depend from claim 10, claims 11-19 also are not anticipated or rendered obvious by *Tsai*.

In summery, claims 1-19 are deemed clearly to be patentable over the *Tsai*, and the rejection accordingly should be withdrawn.

Based on the above, it is submitted that this application is in condition for allowance and such a Notice, with allowed claims 1-19, earnestly is solicited.

If the Examiner believes that a conference would be of value in expediting the prosecution of this application, the Examiner is hereby invited to telephone the undersigned counsel to arrange for such a conference.

Respectfully submitted,

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Date

Steven M. Rabin
Registration No. 29,102
RABIN & BERDO, PC
Customer No. 23995
(202) 371-8976 (Telephone)
(202) 408-0924 (Facsimile)

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